

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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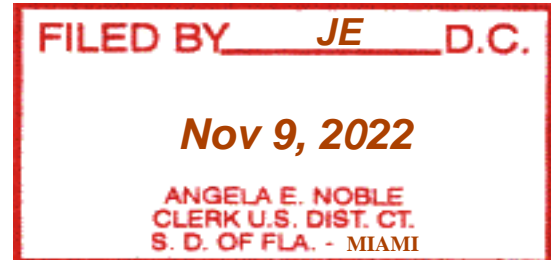
David J. Smith  
Clerk of Court

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November 09, 2022

Clerk - Southern District of Florida  
U.S. District Court  
400 N MIAMI AVE  
MIAMI, FL 33128-1810

Appeal Number: 22-12932-JJ  
Case Style: USA v. Michael Barth  
District Court Docket No: 9:22-mj-08332-BER-1



The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Tiffany A. Tucker, JJ/lt  
Phone #: (404)335-6193

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 22-12932-JJ

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL S. BARTH,

Interested Party-Appellant,

SEALED SEARCH WARRANT,

Defendant.

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Appeal from the United States District Court  
for the Southern District of Florida

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Before: JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Michael Barth's notice of appeal designated an appeal from "the Final Orders and Memorandums of the District Court that denied the access to all the unsealed/unredacted court records in the above referenced matter" and listed three August 2022 orders as examples of such orders. However, these appealed-from orders are not final or otherwise immediately appealable because they were all issued by a magistrate judge and the district court had not rendered them final at the time Mr. Barth filed the instant notice of appeal. *See Donovan v. Sarasota Concrete Co.*, 693 F.2d 1061, 1066-67 (11th Cir. 1982); *United States v. Cline*, 566 F.2d 1220, 1221 (5th Cir. 1978); *see also Perez-Priego v. Alachua*

*Cnty. Clerk of Court*, 148 F.3d 1272, 1273 (11th Cir. 1998). The district court had not been given an opportunity to effectively review the magistrate judge's orders and we cannot hear appeals directly from federal magistrate judges. *See United States v. Schultz*, 565 F.3d 1353, 1359 (11th Cir. 2009). Moreover, even if the district court were to subsequently render the magistrate judge's orders final, it would not serve to cure this premature notice of appeal. *See Robinson v. Tanner*, 798 F.2d 1378, 1385 (11th Cir. 1986); *Perez-Priego*, 148 F.3d at 1273. Accordingly, we lack jurisdiction over this appeal.

All pending motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.